

Ail this course of things was due to popular tastes and desires, and it was a course of popular education of the masses in cruelty, love of bloodshed, and gratification of low hatred and other base passions. All the laws, the exhortations of the clergy, and the public acts of torture and execution held out the suggestion that heresy was a thing deserving the extremest horror and abomination. What was heresy ? No one knew unless he was an educated theologian, and such were rare. The vagueness of heresy made it more terrible. "The long-continued teaching of the church, that persistent heresy was the one crime for which there could be no pardon or excuse, seemed to deprive even the wisest and purest of all power of reasoning where it was concerned." <sup>1</sup>

241. The ordeal. The doctrines and sentiments of this early age were seed planted to produce an immeasurable crop in the eleventh and twelfth centuries, when they were brought forth again and quoted with the authority of the church fathers. The ordeal is a question addressed to the superior powers in order to learn the truth. The question is always categorical: Is this man guilty or not ? The irrationality is that there is a third possibility which cannot be tested; the superior powers may not answer at all. In the early Middle Ages the ordeal was in common use in all civil and ecclesiastical trials. Experience proved the fallacy of it. We are led to believe that the people of the dark ages, not yet being locked in dogmatism, although stupid and ignorant, were better able to learn from experience than those of later times. Innocent III, in 1212, forbade the use of the ordeal, the occasion being its use by the Bishop of Strasburg against heretics.<sup>2</sup> The Lateran Council of 1215 forbade ecclesiastics

to take any part in ordeals. It is perhaps true that torture was introduced from the Roman law after the ordeal was ruled out.<sup>3</sup>

242. Irrationality of torture. Torture was far more irrational than the ordeal. The Roman authorities had recorded warnings of its fallacy.<sup>4</sup> Torture destroys nerve power, will, and consciousness. There comes a point at which the victim will assent to anything to escape pain, or to get a quick and easy death.

<sup>1</sup> Lea, *Inquis\**, II, 493.

<sup>8</sup> *Lea*, 421.

<sup>2</sup> *Ibid.*, I, 306.  
23.

\* *Digest*, XLVII, 18, espec. sec.